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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/678,637

10/03/2000

Michael R. Conboy

5000-83702

6043

7590

01/27/2003

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EXAMINER

MASINICK, MICHAEL D

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/678,637

Applicant(s)

CONBOY ET AL.

Examiner

Michael D Masinick

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☒ Claim(s) 19-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Jan 15, 2003 have been fully considered but they are not persuasive.
2. All previous rejections, as shown below, remain in effect. Examiner notes that Harada in view of Sims does show tracking the location of a work piece through a manufacturing facility. Harada specifically shows a workpiece being moved from a first to second manufacturing area. Sims clearly shows a database based system for tracking of ANY objects, while in this case, objects are tracked around a hospital.
3. The use of tag tracking systems is well known in art. Applicant's argument that the tracking device of Sims could not be used in the semiconductor wafers of Harada is erroneous. The tracking device would inherently be placed upon the cassettes or wafer boats that carry the semiconductor devices and not upon the devices themselves. As applicant's specification and claims do not specifically mention the tracking device directly attached to the wafer itself, these arguments are rendered moot.
4. Examiner has cited several more prior art patents that use tag-tracking devices to track a variety of objects around a variety of systems and places. It would have been obvious to one of ordinary skill in the art at the time of invention, when looking for a system to track semiconductors, to use any one of these simple tracking systems as an add on tracking system to the system of Harada to anticipate the current invention.
5. In response to applicant's argument that Harada and Sims are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not,

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then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the tracking system of Sims is obviously “pertinent to the particular problem with which the applicant was concerned”, that is, the tracking of small devices around a building.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,781,511 to Harada et al in view of U.S. Patent No. 5,434,775 to Sims et al.

3. Referring to Claim 16, Harada shows the moving of a work piece between first and second fabrication areas where the work piece is located in the first fabrication area and is to be transferred to the second fabrication area comprising transferring the work piece from the first fabrication area to the second fabrication area (Col 1, line 57 – Col 2, line 2).

4. Harada does not show tracking the location of the work piece by providing a database including a location entry for the work piece, wherein the location entry indicates the work piece is located within the first fabrication area, and upon transferring the work piece, updating the database location entry to indicate the work piece is located within the second fabrication area.

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5. Sims teaches a device tracking system where each device (work piece) is tracked using a network of communication links, each of which correspond to a location. Device location is continuously monitored (Abstract). Sims teaches (Claims 41, 64) a database for storing the location information of each device and would inherently be updated when the movement of a device is detected.

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the database tracking system of Sims with the work piece movement and fabrication system of Harada because knowledge of the exact location of work pieces and products is highly desired information in a production system.

7. Referring to claims 17-18, Harada shows the method of placing the work piece within a first container ("Pod", Col 4, lines 29-49) within the first fabrication area, and providing an empty second container within the second fabrication area ("Pod", Col 4, lines 29-49). The processing which takes place in Harada (Col 4, lines 29-49) takes place at each fabrication area (Col 1, line 67 – Col 2 line 2), thus an empty cassette is supplied at each fabrication area.

*Allowable Subject Matter*

8. Claims 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1. Claim 19 states "providing an air lock chamber in a sealed opening in a wall separating the first and second fabrication areas".

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2. U.S. Patent No. 5,145,303 to Clarke shows an air lock chamber which is meant for cleaning wafers between production stations, however, neither this reference taken alone or in combination with the prior art of record disclose that this air lock chamber is embedded within a wall separating processing areas.

3. It is this wall embedded feature, in combination with the remaining elements and features of the invention, that the applicant's invention defines over the prior art of record.

Claims 20-22 are allowed as being dependant upon claim 19.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

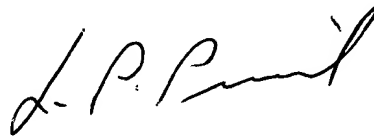
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (703) 305-7738. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mdm  
January 16, 2003

A handwritten signature in black ink, appearing to read "L. Picard", with a stylized flourish at the end.

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100